

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TONY BLAKELY, )  
Plaintiff, )  
v. ) No. 3:21-cv-00425  
AUSTIN PEAY STATE UNIVERSITY, )  
Defendant. )

## **ORDER**

On July 1, 2021, Defendant filed a Motion to Dismiss the June 1, 2021 complaint. (Doc. No. 10). While that motion was pending, Plaintiff filed a First Amended Complaint on July 16, 2021. (Doc. No. 14). Because the First Amended Complaint is now the legally operative complaint in this case, see Parry v. Mohawk Motors of Mich., Inc., 236 F.3d 299, 306–07 (6th Cir. 2000), Defendant’s original motion to dismiss (Doc. No. 10) is **DENIED WITHOUT PREJUDICE** to it being refiled to address the First Amended Complaint.

IT IS SO ORDERED.

Waverly D. Crenshaw, Jr.  
WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE